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**ATTORNEYS FOR DEFENDANT JAMES DONDERO**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

<b>In re:</b>	§	<b>Case No. 19-34054</b>
<b>HIGHLAND CAPITAL MANAGEMENT, L.P.</b>	§	<b>Chapter 11</b>
<b>Debtor.</b>	§	
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<b>HIGHLAND CAPITAL MANAGEMENT, L.P.,</b>	§	
<b>Plaintiff.</b>	§	
<b>v.</b>	§	<b>Adversary No. 20-03190</b>
<b>JAMES D. DONDERO,</b>	§	
<b>Defendant.</b>	§	

**JAMES DONDERO'S WITNESS AND EXHIBIT LIST**

Defendant James Dondero (“Dondero”) hereby files this Witness and Exhibit List with respect to the trial on *Plaintiff Highland Capital Management, L.P.’s Verified Original Complaint for Injunctive Relief* [Adv. Dkt. 1] (the “Complaint”) set for docket call on May 10, 2021 and trial during the week of May 17, 2021 (the “Hearing”) in the above-styled adversary proceeding (the “Adversary Proceeding”).

**A. Documents that Dondero may use as exhibits:**

<b>Dondero Exhibit No.</b>	<b>Description</b>	<b>Offered</b>	<b>Objection</b>	<b>Admitted by Agreement</b>	<b>Admitted</b>
1.	Amended and Restated Shared Services Agreement, dated effective as of January 1, 2018, by and between Highland Capital Management, L.P. and NexPoint Advisors, L.P.				
2.	Second Amended and Restated Shared Services Agreement by and between Highland Capital Management, L.P. and Highland Capital Management Fund Advisors, L.P., dated February 8, 2013				
3.	Debtor's Notice of Termination of Shared Services Agreement with NexPoint Advisors, L.P. effective January 31, 2021				
4.	Debtor's Notice of Termination of Shared Services Agreement with Highland Capital Management Fund Advisors, L.P. effective January 31, 2021				
5.	Debtor's Fifth Amended Plan of Reorganization (as modified) [Docket No. 1808]				
6.	Order Confirming Fifth Amended Plan of Reorganization [Docket No. 1943]				
7.	Term Sheet [Docket No. 354 and 354-1]				
8.	Amended Operating Protocols [Docket No. 466-1]				
9.	Debtor's Response to Mr. James Dondero's Motion for Entry of an Order Requiring Notice and Hearing				

	for Future Estate Transactions Occurring Outside the Ordinary Course of Business [Docket No. 1546]				
10.	James Dondero's Response in Opposition to Debtor's Motion for a Preliminary Injunction [Adv. Dkt. 52]				
11.	James Dondero's Objection and Response to Plaintiff's Motion for an Order Requiring Mr. James Dondero to Show Cause [Adv. Dkt. 110]				
12.	Transcript of December 10, 2020 Hearing				
13.	Transcript of January 8, 2021 Hearing				
14.	Transcript of January 26, 2021 Hearing				
15.	Transcript of March 22, 2021 Hearing				
16.	Transcript of March 24, 2021 Hearing				
17.	Dondero's Petition for Writ of Mandamus to the Fifth Circuit				
18.	Dondero's Objections and Responses to Debtor's First Request for Production				
19.	Email from Bryan Assink to Debtor's counsel containing Dondero's Objections and Responses to Debtor's First Request for Production, dated December 31, 2020				
	Any document or pleading filed in the above-captioned adversary proceeding, including any document attached thereto				

	Any document or pleading filed in the above-captioned bankruptcy case, including any document attached thereto				
	Any exhibit necessary for impeachment or rebuttal purposes				
	Any and all documents identified or offered by any other party				

Dondero reserves the right to supplement this Exhibit List should he determine that any other document may be helpful to the trier of fact, whether in his case in chief or rebuttal.

**B. Witnesses that Dondero may call to testify:**

1. James. P. Seery, Jr.;
2. James Dondero;
3. Scott Ellington;
4. Isaac Leventon;
5. Jason Post;
6. Dustin Norris;
7. Jean Paul Sevilla;
8. Any and all other witnesses identified or called by any other party; and
9. Any witness necessary for rebuttal.

Dondero reserves the right to supplement this Witness List should he determine that any other witness may be helpful to the trier of fact, whether in his case in chief or rebuttal.

Dated: April 26, 2021

Respectfully submitted,

/s/ Bryan C. Assink

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**ATTORNEYS FOR DEFENDANT JAMES DONDERO**

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that, on April 26, 2021, a true and correct copy of the foregoing document with exhibits was served via the Court's CM/ECF system on counsel for the Debtor.

/s/ Bryan C. Assink

Bryan C. Assink